

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**TOMMY PHAM, on behalf of himself
individually, and ALL OTHERS
SIMILARLY SITUATED,**

Plaintiff,

v.

**QUADGEN WIRELESS SOLUTIONS,
INC.,**

Defendant.

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CIVIL ACTION NO. 2:17-cv-02894-CDJ

JOINT STIPULATION FOR CONDITIONAL CERTIFICATION AND NOTICE

Plaintiff Tommy Pham, on behalf of himself and all others similarly situated, and Defendant Quadgen Wireless Solutions, Inc. (“Quadgen”) (collectively “Parties”) hereby file this Stipulation Regarding Conditional Certification and Notice to Class Members and request Court approval of such stipulation by signing below in the space provided.

Under the terms of the Parties’ Stipulation, Quadgen will consent to this Court conditionally certifying this matter as a collective action under the FLSA, 29 U.S.C. § 216(b). The Class Members shall comprise the following two classes:

Class A: All current and former Field Technicians who worked more than 40 hours for at least one workweek for Quadgen Wireless Solutions, Inc. from October 31, 2014 to the present that were classified as exempt from overtime.

Class B: All current and former Field Engineers who worked more than 40 hours for at least one workweek for Quadgen Wireless Solutions, Inc. from October 31, 2014 to the present that were classified as exempt from overtime.

By agreeing to this stipulation and class definition, Quadgen is not limiting or waiving any of its defenses, including but not limited to its right to assert that the putative class members were

properly classified as exempt from overtime pay, and that it is not liable for all or part of any alleged damages that Plaintiff or putative opt-in Plaintiffs claim to have incurred during this time period or its right to later move for decertification.

The Parties stipulate that Don Foty of Kennedy Hodges, LLP shall serve as class counsel and that Tommy Pham shall serve as the representative for the class.

The Parties stipulate that within **fourteen (14) days** of the Court approving this stipulation, Quadgen shall provide to Plaintiff's counsel the names, dates of employment, and last known home addresses for all Class Members as defined above. Quadgen will provide dates of birth, if known, for any individuals whose notices are returned as undeliverable and without a forwarding address. Quadgen shall provide such information in a computer-readable format, such as a Microsoft Excel Spreadsheet.

The Parties stipulate that Plaintiff's counsel shall transmit the agreed Notice of Rights and agreed Consent Form via first class mail to all persons contained on the list within **ten (10) days** of receiving the list from Quadgen. For any envelopes that are returned as undeliverable, Plaintiff's Counsel shall perform a skip trace and resend the Notice and Consent Form to the updated address. Additionally, Plaintiff's Counsel is permitted to send a reminder postcard. Attached hereto as Exhibit "A" is the agreed Notice of Rights and Consent Form.

Putative opt-in plaintiffs will have forty-five (45) days from the date of the first class to file consents with the Court.

SIGNED on _____, 2018.

JUDGE PRESIDING

AGREED AS TO FORM AND SUBSTANCE,

For the Plaintiff:

By: /s/ Don Foty

Don J. Foty (admitted *pro hac vice*)

State Bar No. 24050022

4409 Montrose Blvd., Suite 200

Houston, Texas 77006

Telephone: (713) 523-0001

Facsimile: (713) 523-1116

Email: dfoty@kennedyhodes.com

For the Defendant:

By: /s/ Stephanie J. Peet

Stephanie J. Peet (PA #91744)

Terri Gillespie (PA #203035)

Amanda E. Steinke (PA #321186)

Jackson Lewis P.C.

Three Parkway

1601 Cherry Street, Suite 1350

Philadelphia, PA 19102

Telephone: (267) 319-7802

Facsimile: (267) 399-2249

Email: stephanie.peet@jacksonlewis.com

Email: terri.gillespie@jacksonlewis.com

Email: amanda.steinke@jacksonlewis.com